

CHAPTER 237

HEALTH CARE POLICY AND FINANCING

SENATE BILL 20-033

BY SENATOR(S) Tate and Fields, Bridges, Cooke, Crowder, Danielson, Donovan, Gardner, Ginal, Gonzales, Hansen, Hisey, Holbert, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Smallwood, Sonnenberg, Story, Todd, Williams A., Winter, Woodward, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Lontine, Arndt, Benavidez, Bird, Bockenfeld, Buckner, Buentello, Caraveo, Carver, Coleman, Cutter, Duran, Esgar, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Larson, McCluskie, McKean, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman, Wilson, Young, Becker.

AN ACT

CONCERNING ACCESS TO THE MEDICAID BUY-IN PROGRAM FOR CERTAIN WORKING ADULTS WITH DISABILITIES WHO HAVE BECOME INELIGIBLE FOR THE PROGRAM DUE TO AGE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 25.5-6-1402, **add** (6) as follows:

25.5-6-1402. Definitions. As used in this part 14, unless the context otherwise requires:

(6) "WORK INCENTIVES ELIGIBILITY GROUP" MEANS THE CATEGORY OF ELIGIBILITY UNDER THE FEDERAL "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS AMENDED, FOR INDIVIDUALS WITH A DISABILITY WHO, EXCEPT FOR ASSETS OR INCOME, WOULD BE ELIGIBLE FOR THE SUPPLEMENTAL SECURITY INCOME PROGRAM. THIS ELIGIBILITY APPLIES TO INDIVIDUALS WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER.

SECTION 2. In Colorado Revised Statutes, 25.5-6-1403, **add** (5) as follows:

25.5-6-1403. Waivers and amendments. (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION:

(I) THE STATE DEPARTMENT SHALL SEEK FEDERAL AUTHORIZATION THROUGH AN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN TO IMPLEMENT THE FEDERAL "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS AMENDED, WHICH PROVIDES INDIVIDUALS AN OPPORTUNITY TO BUY INTO MEDICAID CONSISTENT WITH THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1396a (a)(10)(A)(ii)(XIII), AS AMENDED, TO PERMIT THE STATE DEPARTMENT TO PROVIDE MEDICAL ASSISTANCE ELIGIBILITY TO INDIVIDUALS IN THE WORK INCENTIVES ELIGIBILITY GROUP, AGE SIXTY-FIVE AND OLDER, AFTER THEY ARE NO LONGER ELIGIBLE UNDER THE FEDERAL "TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999", PUB.L. 106-170.

(II) IN ADDITION TO SUBMITTING AN AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION, THE STATE DEPARTMENT SHALL SUBMIT A STATE PLAN AMENDMENT PURSUANT TO SECTION 1902(r)(2) OF THE FEDERAL "SOCIAL SECURITY ACT" TO USE LESS RESTRICTIVE INCOME AND RESOURCE METHODOLOGIES TO MATCH THE INCOME, HOUSEHOLD, AND ASSET LEVELS OF THE MEDICAID BUY-IN PROGRAM FOR IMPLEMENTATION NO LATER THAN JULY 1, 2022.

(b) THE STATE DEPARTMENT SHALL NOT PREPARE AND SUBMIT THE AMENDMENTS TO THE STATE MEDICAL ASSISTANCE PLAN PURSUANT TO THIS SUBSECTION (5) IF THERE ARE INSUFFICIENT REVENUES FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CASH FUND, CREATED IN SECTION 25.5-4-402.4, FOR THE ADMINISTRATIVE EXPENSES ASSOCIATED WITH PREPARING AND SUBMITTING THE STATE PLAN AMENDMENTS. IF THERE ARE INSUFFICIENT REVENUES FROM THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CASH FUND, THE STATE DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FOR THIS PURPOSE.

SECTION 3. In Colorado Revised Statutes, 25.5-6-1404, **amend** (1)(a); and **repeal** (4) as follows:

25.5-6-1404. Medicaid buy-in program - eligibility - premiums - medicaid buy-in cash fund - report. (1) **Eligibility.** An individual is eligible for and shall receive medicaid provided in this part 14 through a medicaid buy-in program without losing eligibility for medicaid if all of the following conditions are met:

(a) The individual meets the requirements for the basic coverage group or the individual was previously in the basic coverage group and now meets the requirements for the medical improvement group OR THE INDIVIDUAL WAS PREVIOUSLY IN THE BASIC COVERAGE GROUP AND NOW MEETS THE REQUIREMENTS FOR THE WORK INCENTIVES ELIGIBILITY GROUP, IF A STATE PLAN AMENDMENT FOR THE WORK INCENTIVES ELIGIBILITY GROUP HAS BEEN SUBMITTED AND APPROVED PURSUANT TO SECTION 25.5-6-1403 (5);

(4) ~~**Private health insurance.** (a) The state department shall, on behalf of an individual who is eligible for medicaid under subsection (1) of this section, pay premiums for or purchase individual coverage offered by the individual's employer if the state department determines that paying the premiums or purchasing the coverage will be less than providing medicaid coverage. Any employer-sponsored health insurance plan shall be the primary payer, and any payments made under medicaid shall be secondary. In the event that the employer-sponsored health~~

~~insurance plan provides benefits that are not equivalent to the benefits provided under medicaid, medicaid shall provide all additional benefits that are not provided by the employer-sponsored health insurance plan.~~

~~(b) If an individual is eligible for medicaid under subsection (1) of this section and the individual's employer would pay for all or a portion of the individual's private insurance, the state department may accept contributions from the individual's employer to offset part of the cost of providing services pursuant to this section.~~

SECTION 4. In Colorado Revised Statutes, 25.5-6-1405, **amend** (2) as follows:

25.5-6-1405. Rule-making authority. (2) Any rules adopted by the state board ~~shall~~ MUST be consistent with the federal "Ticket to Work and Work Incentives Improvement Act of 1999", Pub.L. 106-170, AND THE "BALANCED BUDGET ACT OF 1997", PUB.L. 105-33, 111, AS AMENDED.

SECTION 5. Appropriation. (1) For the 2020-21 state fiscal year, \$50,000 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund. To implement this act, the department may use this appropriation for general professional services and special projects.

(2) For the 2020-21 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$50,000 in federal funds to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds, which is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 6, 2020